



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution of Vacation to Abandon Portions of 10-foot Public Utility Easement at 1901, 1927 and 1930 South Mills Avenue

MEETING DATE: April 20, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a Resolution of Vacation abandoning portions of a 10-foot public utility easement located at 1901, 1927 and 1930 South Mills Avenue.

BACKGROUND INFORMATION: A 10-foot public utility easement was dedicated in conjunction with "The Meadows, Unit No. 1" residential development in 1984. The buildings constructed were discovered to be encroaching upon portions of the 10-foot public utility easement along the Century Boulevard and Sylvan Avenue street frontages, as shown on Exhibit A. The current property owners are requesting abandonment of those portions of the easement within the footprint of the building.

City of Lodi Electrical, Water/Wastewater and Street Divisions, SBC Pacific Bell, PG&E and Comcast have been contacted and no utilities or other facilities were found to exist within the portions of the 10-foot easement to be abandoned. All agencies contacted have approved the abandonment without further comment or conditions.

Under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if "the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation".

The Public Works Department recommends that the request to abandon portions of the 10-foot public utility easement be granted without Planning Commission referral or the normal posting, publishing and public hearing.

FISCAL IMPACT: None

FUNDING AVAILABLE: Not applicable.

Stacy Sander
for **Public Works Director**

Prepared by Jeannie Matsumoto, Senior Engineering Technician
RCP/JHM/pmf
Attachment
cc: Seigfried Engineering

APPROVED: *Blair King*
Blair King, City Manager

RESOLUTION NO. 2005-77

A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING PORTIONS OF A
TEN-FOOT PUBLIC UTILITY EASEMENT AT
1901, 1927, AND 1930 SOUTH MILLS AVENUE

WHEREAS, that portions of a ten-foot public utility easement at 1901, 1927, and 1930 South Mills Avenue, shown on Exhibit A attached hereto and incorporated herein, were dedicated in conjunction with 'The Meadows, Unit No. 1' residential development in 1984; and

WHEREAS, the buildings constructed were discovered to be encroaching upon portions of the ten-foot public utility easement along the Century Boulevard and Sylvan Avenue street frontages, as shown on Exhibit A. The current property owners are requesting abandonment of those portions of the easement within the footprint of the building; and

WHEREAS, pursuant to California Streets and Highways Code Section 8333, an easement may be summarily vacated if it has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, no public utilities are located in those portions of Mills Avenue desired to be vacated.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The proposed vacation of the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.
3. That portions of 1901, 1927, and 1930 South Mills Avenue, shown on Exhibit A attached hereto and incorporated herein, are summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a street or highway.
4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.

5. A public utility easement shall be retained over the portions of 1901, 1927, and 1930 South Mills Avenue, shown on Exhibit A attached hereto and incorporated herein.
6. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336.

Dated: April 20, 2005

I hereby certify that Resolution No. 2005-77 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 20, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

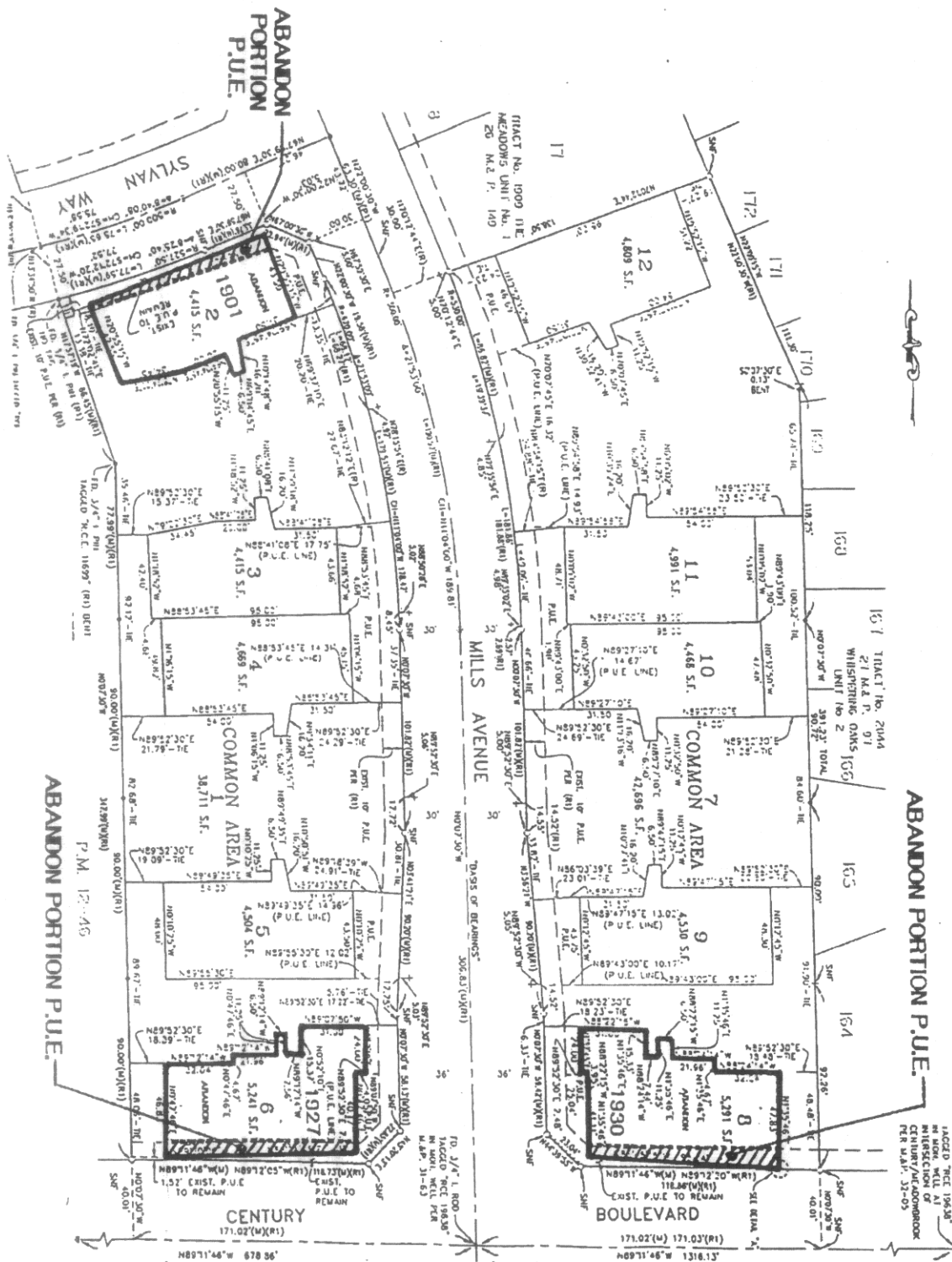
ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk



EXHIBIT A



CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE L. MOUNCE

CITY OF LODI

PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

BLAIR KING
City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEVEN SCHWABAUER
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

April 14, 2005

Siegfried Engineering
4045 Coronado Avenue
Stockton, CA 95204

SUBJECT: Adopt Resolution of Vacation to Abandon Portions of 10-Foot Public Utility Easement at 1901, 1927, and 1930 South Mills Avenue

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, April 20, 2005. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk. at (209) 333-6702.

If you have any questions about the item itself, please call Jeannie Matsumoto, Senior Engineering Technician, at (209) 333-6800, extension 2661.



for: Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk



DECLARATION OF MAILING

TRANSMITTAL LETTER AND RESOLUTION SUMMARILY VACATING PORTIONS OF A TEN-FOOT PUBLIC UTILITY EASEMENT AT 1901, 1927, AND 1930 SOUTH MILLS AVENUE

On April ²²~~21~~, 2005, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a transmittal letter and resolution summarily vacating portions of a ten-foot public utility easement at 1901, 1927, and 1930 South Mills Avenue, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on April ²²~~21~~, 2005, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK


JENNIFER M. PERRIN
DEPUTY CITY CLERK

KARI J. CHADWICK
ADMINISTRATIVE CLERK

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

BLAIR KING, City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

April 21, 2005

TO: Interested Parties

**VACATION: TO SUMMARILY VACATE PORTIONS OF A TEN-FOOT PUBLIC
UTILITY EASEMENT AT 1901, 1927, AND 1930 SOUTH MILLS
AVENUE**

This is to inform you that the City Council, at its regular meeting on April 20, 2005, considered the above matter and declared the area summarily vacated and abandoned.

Enclosed for your information is a certified copy of the resolution along with a map of the abandoned area.

Should you have questions regarding the abandonment, please contact Public Works Director Richard Prima at (209) 333-6706.



Susan J. Blackston
City Clerk

SJB/jmp

Enclosure

cc: **Public Works Director**

When Recorded, Please Return to:
Lodi City Clerk
P. O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2005-77

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SUMMARILY VACATING PORTIONS OF A
TEN-FOOT PUBLIC UTILITY EASEMENT AT
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WHEREAS, pursuant to California Streets and Highways Code Section 8333, an easement may be summarily vacated if it has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, no public utilities are located in those portions of Mills Avenue desired to be vacated.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

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Dated: April 20, 2005

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I hereby certify that Resolution No. 2005-77 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 20, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

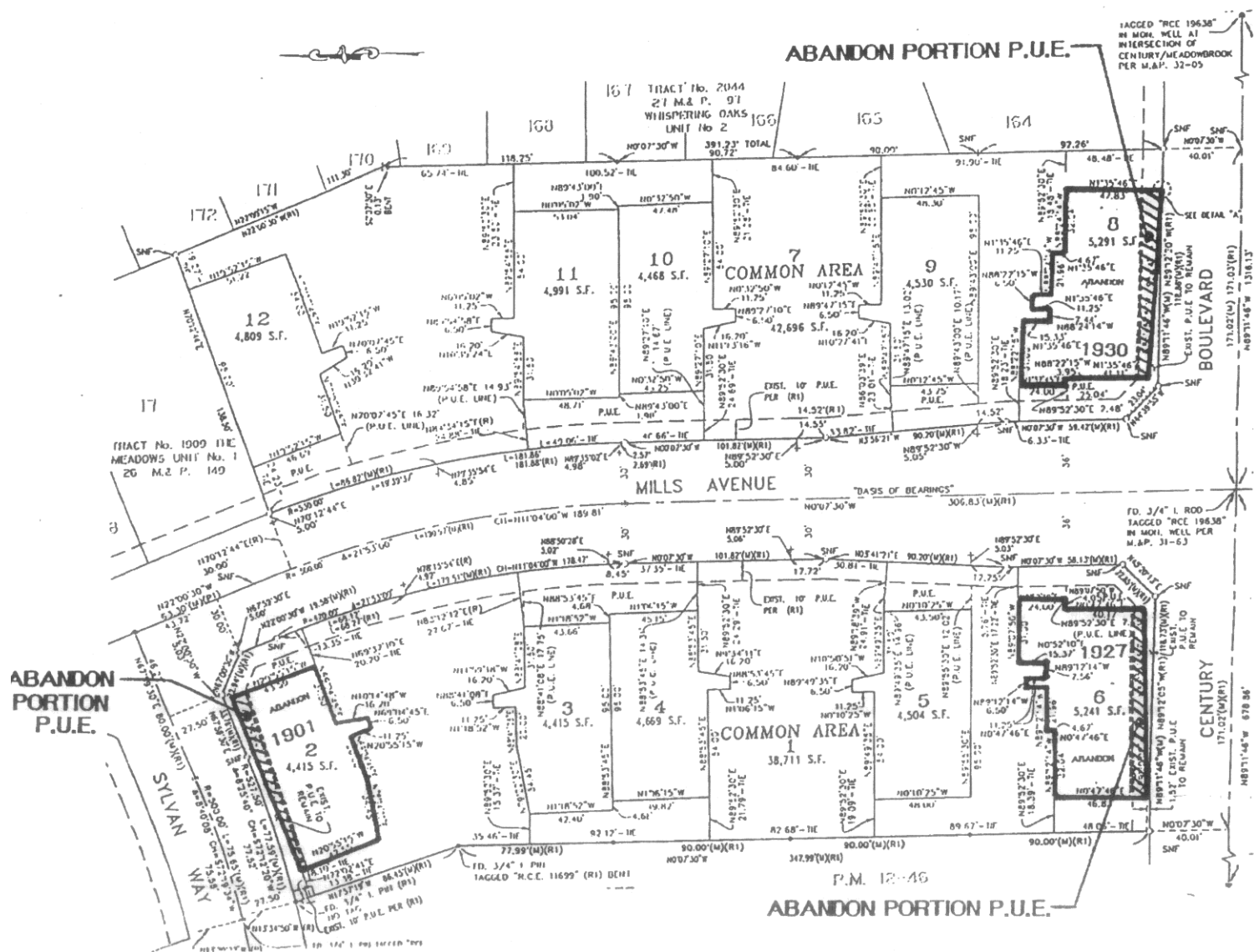
ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

PUBLIC WORKS DEPARTMENT



**VACATION / ABANDONMENT
MAILING LIST**

RESOLUTION OF INTENTION (Setting Public Hearing)

Certified copy w/cover letter to:

PG&E
12 W. Pine Street
Lodi. CA 95240

AT&T
6343 Tam O'Shanter Drive
Stockton, CA 95210

Pacific Bell
44 W. Yokuts Avenue
Stockton, CA 95207

Central Valley Waste Services
P.O. Box 241001
Lodi, CA 95241-9501

Chief Deputy County Surveyor
Attn: Joe Bussalacci
1810 E. Hazelton Avenue
Stockton, CA 95205

Certified copies to:

Jeannie Matsumoto, Public Works

Wes Fujitani, Public **Works**

Community Development Department

Police Department

Fire Department

RESOLUTION OF VACATION (*After* Public Hearing)

Certified copy w/cover letter:

PG&E

AT&T

Pacific Bell

Central Valley Waste Services

Chief Deputy County Surveyor

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

1930 S. Mills

APN	Situs Address	Property Owner	Mailing Address
<u>058-140-19</u>	2080 SYLVAN WY	LAKE SHORE MEADOWS GROUP	619 Willow Gien Dr Lodi CA 95240
<u>058-270-21</u>	1814 S MILLS AV	RIGUNAY, FIDEL ROBERT & FELIPA	1911 Camphor Wy Lodi CA 95242
<u>058-330-65</u>	1929 WINDING OAK ST	FAST, HENRY J & MARY LEE	1929 Winding Oak St Lodi CA 95242
<u>058-330-66</u>	1923 WINDING OAK ST	PARMAR, MOHAN & BALWANT	1923 Winding Oak St Lodi CA 95242
<u>058-330-67</u>	1917 WINDING OAK ST	LAGANA, RICHARD & REBA	1917 Winding Oak St Lodi CA 95242
<u>058-330-68</u>	1911 WINDING OAK ST	HARO. ALBERT C ETAL	1911 Winding Oak St Lodi CA 95747
<u>058-330-69</u>	1907 WINDING OAK ST	DEWALT, HAL D & TERESA	1907 Winding Oak St Lodi CA 95242
<u>058-330-70</u>	1901 WINDING OAK ST	ASPIRAS, NAWAL	1901 Winding Oak St Lodi CA 95242
<u>058-330-71</u>	1849 WINDING OAK ST	WINGO, KEVIN H	1849 Winding Oak St Lodi CA 95242
<u>058-330-74</u>	1831 WINDING OAK ST	BARROW, DONALD J & CAROL A	1831 Winding Oak St Lodi CA 95242
<u>058-330-75</u>	1906 CAMPHOR WY	STEED, MICHAEL P & SARA C	1906 Camphor Wy Lodi CA 95242
<u>058-330-76</u>	1912 CAMPHOR WY	VOLLMER, BRUCE ALLAN	1912 Camphor Wy Lodi CA 95242